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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,904	09/30/2003	Jeyhan Karaoguz	14330US02	6131

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EXAMINER

RYAN, PATRICK A

ART UNIT	PAPER NUMBER
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4126

MAIL DATE	DELIVERY MODE
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10/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/675,904

Applicant(s)

KARAOGUZ ET AL.

Examiner

Patrick A. Ryan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/19/2006.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

1. Claims 1-31 are presented for examination.

Information Disclosure Statement

2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered. Incorporated reference (Attorney Docket No. 14276US02) is disclosed in paragraph [44] of the specification.

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification does not distinctly define (as it appears in paragraphs [12 and 91] of the specification) the characteristics of each of the claimed processors of Claim 31: "a media processing system processor, a media peripheral processor, a customized computer processor, a storage system processor and a customized computer executing media exchange software processor." Without further disclosure as to the distinctness of each claimed processor in Claim 31, each claimed

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processor will be treated as indistinguishable and therefore the broadest reasonable interpretation of a processor will be used in the interpretation of claim 31.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-31 are rejected under 35 U.S.C 102(b) as being anticipated by Novak, (US Patent Application Publication 2002/0104099).

6. In reference to Claim 1, Novak teaches a method of customizing a channel interface (shown in Figure 11 as described in Paragraphs [0078-0086]), the method comprising: determining at least one of personal media and broadcast media that is to be presented in a communication channel ("broadcast" or "synthetic" channel of Figure 8 as described in Paragraph [0071]); determining a schedule for presenting at least one of personal media and broadcast media (block 1108 of Figure 11 as described in Paragraph [0079]); and presenting the schedule comprising at least one of personal media and broadcast media (block 1116 of Figure 11 as described in Paragraph [0086]).

7. In reference to Claim 2, Novak teaches a method of presenting the media guide comprising representations of at least one of personal media and broadcast media in a

graphical user interface (EPG 802 of Figure 8 as described in Paragraphs [0071 and 0072]).

8. In reference to Claim 3, Novak teaches a method wherein the graphical user interface contains at least one of aural and visual representations comprising at least one of audio, text, video, and graphics of at least one of personal media and broadcast media (display screen 1004 of Figure 10 as described in Paragraph [0076], Lines 4-10).

9. In reference to Claim 4, Novak teaches a method of controlling the graphical user interface by at least one of a keyboard, a mouse, a remote control, and a microphone (buttons 172 and 174 of remote control 158 as described in Paragraph [0073], Lines 4-10).

10. In reference to Claim 5, Novak teaches a method wherein the schedule correlates at least one of personal media and broadcast media to at least one of a time, a day, and a year (listings 908 of Figure 9 as described in Paragraph [0074] lines 10-13) for the presentation of the at least one of personal media and broadcast media in the communications channel.

11. In reference to Claim 6, Novak teaches a method of selecting the at least one of personal media and broadcast media (buttons 172 and 174 of remote control 158 as described in Paragraph [0073], Lines 4-10) from a list of sources ("underlying component" of EPG 802 as described in Paragraph [0072]).

12. In reference to Claim 7, Novak teaches a method of displaying access and control functions for controlling the at least one of personal media and broadcast media

from within the media guide ("automatic features" of interface 702 as described in Paragraph [0066]).

13. In reference to Claim 8, Novak teaches a method of rescheduling when the at least one of personal media and broadcast media is to be presented in the communication channel ("re-sequence" action of interface 702 as described in Paragraph [0065], Lines 6-14).

14. In reference to Claim 10, Novak teaches a method of updating at least one of a time, a day, and a year within the media guide (upload/update button 712 of interface 702 as described in Paragraph [0067]), when the at least one of personal media and broadcast media is to be presented in the communication channel.

15. In reference to Claims 11-20, Novak teaches a machine-readable storage (described in Paragraph [0077], Lines 4-10) having stored thereon, a computer program having at least one code section for programming media content in a distributed media network (using "token" program described in Paragraph [0058] Lines 1-10), the at least one code section being executable by a machine (STB 152 described in Paragraph [0077] Lines 10-14) for causing the machine to perform the method of Claims 1 through 10.

16. In reference to Claim 21-30, Novak teaches a system for customizing a channel interface comprising at least one processor receiving at least one indication of at least one of personal media and broadcast media that is to be presented in a communication channel (STB 152 executing the flow diagram of Figure 11 as described in Paragraphs

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[0077-0086]), wherein the system and processor execute the method of Claims 1 through 10.

17. In reference to claim 31, Novak teaches a processor that is a media processing system processor (Paragraph [0085] describing the STB 152 executing flow diagram block 1114).

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made. Applicant must show how the amendments avoid such references and objections. See 37 CFR 1.111(c).

19. US Patent Application Publication Number (2003/0051247 A1), Klopfenstein, teaches a method and apparatus for scanning for available broadcast channels and updating a program guide database based on the broadcast channels that are no longer available.

20. US Patent Application Publication Number (2003/0028877 A1), Everett et al., teaches an adaptive entertainment schedule that can be controlled by a data processor, using a time shifting function, to alter the schedule based on broadcasting events that change the original schedule of the program.

21. US Patent Application Publication Number (2002/0144268 A1), Khoo et al, teaches a customized media interface that displays a personalized list of content for a

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specific user. The user has the ability to choose to modify the customized media list and schedule content he/she wishes to view.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick A. Ryan whose telephone number is (571) 270-5086. The examiner can normally be reached on Mon to Thur, 8:00am - 5:00pm EST.

23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PAR

Thursday, October 11, 2007

A handwritten signature in black ink, appearing to be "L. Y. Jiao", is located at the bottom right of the page.